

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

RP.No. 379 of 2015 () IN MACA.1729/2011

AGAINST THE ORDER/JUDGMENT IN MACA 1729/2011 of DATED 19-03-2015
REVIEW PETITIONER(S):APPELLANTS

1. FATHIMA AGED 65 YEARS
W/O.LATE MUHAMMED @ KUTTIMANU
 2. MAMMU, AGED 53 YEARS
S/O.LATE MUHAMMED @ KUTTIMANU
 3. MOIDEENKUTTY, S/O.LATE MUHAMMED@ KUTTIMANU AGED 52 YEARS
 4. JAMEELA, AGED 46 YEARS
D/O.LATE MUHAMMED @ KUTTIMANU
 5. RASIYA AGED 37 YEARS
D/O.LATE MUHAMMED @KUTTIMANU
- BY ADVS.SRI.T.C.SURESH MENON
SRI.A.R.NIMOD

RESPONDENT(S)/RESPONDENTS:

1. RAJEEV
S/O.RAMAKRISHNAN, RESIDING AT MANKOTTIL HOUSE
'RAJJEV NIVAS' MELEPATTAMBI PO, PALAKKAD DISTRICT, PIN 679 306.
2. THE ORIENTAL INSURANCE COMPANY LIMITED,
BRANCH OFFICE, PATTAMBI-679303
3. AZEEZ,
S/O. LATE MUHAMMED @ KUTTIMANU
RESIDING AT KURUMBOTTUTHODI VEEDU, NELLAYA PO
OTTAPPALAM TALUK, PALAKKAD DISTRICT, PIN-679 335
4. NABEESA, W/O.LATE MUHAMMED @KUTTIMANU
RESIDING AT ATTINGAL VEEDU, PO THRIKKADEERI
OTTAPPALAM TALUK, PALAKKAD DISTRICT, PIN-679 502
5. SAIDALAVI
S/O. LATE MUHAMMED @ KUTTIMANU
RESIDING AT KURUMBOTTUTHODI VEEDU, NELLAYA PO
OTTAPPALAM TALUK, PALAKKAD DISTRICT, PIN-679 335
6. BASHEER, S/O. DO. DO.

R2 BY SRI.VPK.PANICKER

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 16-06-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

**T.R. RAMACHANDRAN NAIR &
P.V. ASHA, JJ.**

R.P.No.379/2015 in M.A.C.A.No.1729/2011

Dated this the 16th day of June, 2015

ORDER

Ramachandran Nair, J.

This review petition is filed by the appellants and the contention raised by the learned counsel is that for pain and suffering of the deceased no amount has been granted. One of the other contentions raised is that for loss of consortium, only a sum of Rs.35,000/- has been granted.

2. We heard learned counsel for the insurance company also. the presence of others is not necessary for the disposal of the review petition.

3. In paragraph 6 of the judgment, we have fixed the quantum of compensation after discussing various aspects. In the light of the fact that there is an omission to award any amount for pain and suffering

and as the death was instantaneous, we award a further amount of Rs.10,000/- towards compensation for pain and suffering of the deceased and therefore the total compensation will be Rs.3 Lakhs instead of Rs.2,90,000/-. All the other findings will remain as such.

The judgment of this Court is modified to that extent and the review petition is accordingly disposed of. No costs.

This order will be appended to the judgment.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(P.V. ASHA, JUDGE.)

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